

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:

## All Suits Against the Saint Thomas Entities

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

**MOTION TO STRIKE DISMISSALS OF BELLWETHER CANDIDATE CASES**

For the reasons set forth in their memorandum of law, filed herewith, the Saint Thomas Entities<sup>1</sup> move to strike Plaintiffs Donna Branham's and Jon Kinsey's attempts to voluntarily dismiss without prejudice their actions under Federal Rule of Civil Procedure 41(a)(1)(A)(i) as untimely and an improper attempt to circumvent the bellwether process previously established by this Court. In the alternative, the Saint Thomas Entities respectfully request that the Court dismiss Branham's and Kinsey's cases with prejudice and deem the PSC to have exercised two of its four bellwether strikes.

<sup>1</sup> Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network.

Dated: November 23, 2015

SAINT THOMAS WEST HOSPITAL, SAINT  
THOMAS HEALTH, and SAINT THOMAS  
NETWORK

By their attorneys,

/s/ Sarah P. Kelly  
Sarah P. Kelly (BBO #664267)  
skelly@nutter.com

NUTTER McCLENNEN & FISH LLP  
Seaport West  
155 Seaport Boulevard  
Boston, Massachusetts 02210  
(617) 439-2000  
(617) 310-9461 (FAX)

OF COUNSEL:

Yvonne K. Puig\*  
Texas State Bar No. 16385400  
[yvonne.puig@nortonrosefulbright.com](mailto:yvonne.puig@nortonrosefulbright.com)  
Adam T. Schramek\*  
Texas State Bar No. 24033045  
[adam.schramek@nortonrosefulbright.com](mailto:adam.schramek@nortonrosefulbright.com)  
Eric J. Hoffman\*  
Texas State Bar No. 24074427  
[eric.hoffman@nortonrosefulbright.com](mailto:eric.hoffman@nortonrosefulbright.com)

NORTON ROSE FULBRIGHT US LLP  
98 San Jacinto Blvd., Suite 1100  
Austin, Texas 78701  
(512) 536-2450  
(512) 536-4598 (FAX)

Marcy Hogan Greer\*  
Texas State Bar No. 08417650  
[mgreer@adjtlaw.com](mailto:mgreer@adjtlaw.com)

ALEXANDER DUBOSE JEFFERSON &  
TOWNSEND LLP  
515 Congress, Suite 2350  
Austin, Texas 78701  
(512) 482-9300  
(512) 482-9303

\*Appearing Pro Hac Vice

**CERTIFICATE OF SERVICE**

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 23<sup>rd</sup> day of November, 2015.

/s/ Sarah P. Kelly

Sarah P. Kelly

2937664.1